

**From:** Clark McGrew  
**To:** Microsoft ATR  
**Date:** 1/23/02 1:39pm  
**Subject:** Microsoft Settlement

Dear Sirs,

I am writing to express my dissatisfaction with the proposed Department of Justice Settlement of the Microsoft Antitrust case. The drafted settlement does little to address the core monopolization violations that were affirmed by the unanimous Court of Appeals in June 2001.

The D.C. Circuit Court found that a remedy should "unfetter [the] market from anti-competitive conduct" and "terminate the illegal monopoly". This could be facilitated by Section III.D which requires that "the APIs and related Documentation that are used by Microsoft Middleware to interoperate with a Windows Operating System Product". However, the limitations in III.J seem to render the provision meaningless.

The current settlement will allow Microsoft to maintain tight control over the community which develops products that interoperate with Microsoft Windows System APIs. Further, it allows Microsoft to decide who will compete against its middleware products by requiring a "reasonable business" need for the API documentation which will allow Microsoft to prevent competition from OpenSource software (e.g. software developed in a manner akin to the Linux operating system).

I suggest that Microsoft should be required to publicly document all Microsoft Windows APIs without requiring non-disclosure agreements, or undue publication fees.

Finally, the security concerns mentioned in III.J.1 provide no justification for weakening the API documentation requirements. The field of computer security has demonstrated through many years of experience that security cannot depend on obfuscation and is best maintained using well documented security measures. This section provides Microsoft Middleware with another unfair advantage to compete against third party products. I ask that III.J.1.a be struck completely.

Sincerely,

Clark McGrew  
clark.mcgrew@sunysb.edu